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OGC HAS
REVIEWED.

MEMORANDUM FOR: Chief, Audit Staff

25X1A9a ATTENTION : Mr. [REDACTED]

25X1A SUBJECT : Travel of Military Personnel Detailed to the Agency [REDACTED] 25X1A6a

25X1A6a REFERENCE : Memorandum for the Record, dated 6 October 1959 from Chief of Base, [REDACTED] Subject - Travel of Military Personnel and Personnel [REDACTED] 25X1C4a

25X1A9a 1. A member of the Audit Staff has inquired of this Office relative to subject involving a situation in which travel was undertaken by a foreign vessel via the Mediterranean to Europe and air from Europe to the United States. Compliance with paragraph 2159 of the Joint Travel Regulations is questioned as to whether the travel should have been performed by an American air carrier in lieu of a foreign surface vessel and whether travel should have been in an easterly direction rather than the westerly route undertaken. The matter was discussed with Mr. [REDACTED] Office of General Counsel, who, after inquiries with the Department of Defense, advised as follows:

a. Paragraph 2150-1 of the JTRs does not require the traveler to use aircraft registered under the laws of the United States when ships of U. S. registry are not available. Each mode of travel retains its independent status, they are not to be intermingled. There is an established philosophy in the Government departments, which has been upheld by representatives of the General Accounting Office in numerous discussions, that an employee cannot be compelled to travel by air. Consequently travel by surface means has been interpreted as being a right within the statutory provisions. When foreign ships are used, the travel voucher must contain a certification that ships of U. S. registry were not available.

b. There is no statutory provision requiring that air travel shall be performed on aircraft registered under the laws of the United States.

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REC 15	REV DATE 06/05/81	BY 018995
ORIG COMP	OPI 38	TYPE 01
ORIG CLASS 5	PAGES 2	REV CLASS C
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c. It is within the province of base commanders, under authority by directives issued by the Secretary of Defense, to issue such ground rules as may be necessary, judicious, or expedient to implement the provisions of the JTMs in performance of travel.

d. The ground rules issued by Chief, MAAG [REDACTED] to the effect that military personnel returning to the ZI may use foreign ships for surface travel and that travel in either a westerly or easterly direction has been established as direct routing to the ZI appears to be in accord with the authority delegated to base commanders and consistent with the provisions of the JTMs. The reference is considered as meeting the requirement of paragraph 2130-4 of the JTMs.

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2. The Office of General Counsel further advised that in the absence of a ground rule as cited in reference, Agency employees [REDACTED] may be authorized to travel by ships of foreign registry upon certification in the travel voucher that ships of U. S. registry were not available within the criteria set forth in Agency Regulation [REDACTED] and that such travel need not be undertaken by a "direct route" if it is by the "usually traveled route." The Department of State advises that the usually traveled route from [REDACTED] is to the East coast of the U. S.

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3. The foregoing, it is believed, will answer the questions raised in connection with subject.

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Chief, Technical Accounting Staff

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TAS/[REDACTED]/pb/6 November 1959

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